

ORIGINAL

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION

2011 JUL -6 P 12:04

UNITED STATES OF AMERICA :

Case No. 2010-CR-12927

v. :

Judge Gerald I. Fisher

DAQUAN JOHNSON :

Sentencing Date: July 8, 2011

GOVERNMENT'S MEMORANDUM IN AID OF SENTENCING

The United States of America, by and through the United States Attorney for the District of Columbia, respectfully submits this memorandum in aid of sentencing.

Background

On May 10, 2011, defendant Daquan Johnson pled guilty to voluntary manslaughter and robbery in the fatal beating and robbery of Carlos Bernard Alexander in the early morning hours of February 3, 2010. He also pled guilty to conspiracy to obstruct justice for conspiring with his mother, co-defendant Sonja Johnson, to obstruct the ensuing court proceedings and grand jury investigation into the circumstances surrounding Mr. Alexander's death.

Sentencing Guidelines and Determinate Sentence

The plea agreement in this case was pursuant to Superior Court Rule 11(e)(1)(C), in which the parties agreed to and respectfully request that the Court sentence the defendant to a determinate sentence of incarceration within the range of ninety-six (96) to one-hundred-thirty-two (132) months of incarceration, which falls within the defendant's sentencing guideline range. For voluntary manslaughter, the defendant's guideline range is sixty (60) to one-hundred-thirty-two (132) months. For robbery, the defendant's guideline range is twenty-four (24) to sixty-six (66) months. And for obstruction of justice, the defendant's guideline range is three (3) to

sixteen (16) months.

Appropriate Sentence

According to D.C. Code Section 24-403.01(a), the Court's sentence should reflect the seriousness of the offense(s), the offender's criminal history, provide for just punishment, afford adequate deterrence this offender and others, and provide the offender with needed educational or vocational training, medical care, and other correctional treatment. In light of these factors, the government believes that a sentence of one-hundred-thirty-two (132) months is the appropriate sentence and that a sentence pursuant to the Youth Rehabilitation Act is not appropriate.

The decedent, Carlos Alexander, was forty-seven years old when he was killed. At the time of his death, Mr. Alexander suffered from a severe heart condition, worked nights at Bolling Air Force Base stocking shelves, and lived with this girlfriend and her two children, who considered Mr. Alexander their father. Mr. Alexander's death has had a great emotional and financial impact on this family. As demonstrated by the attached Victim Impact Statement, Mr. Alexander's mother and sisters have also suffered as a result of Mr. Alexander's death. (Please find attached as Exhibit A, a Victim Impact Statement by Mr. Alexander's sisters.)

In the early morning hours of February 3, 2010, Mr. Alexander drove to the 700 block of 21st Street in Northeast, Washington, D.C. There, he encountered the defendant and a group of the defendant's friends. The defendant and his friends beat Mr. Alexander as he lay lifeless on the ground, kicking him about the body and punching him about the face. The defendant and his friends then went through Mr. Alexander's pockets, taking his wallet, cell phone, and car keys. They then walked away, leaving Mr. Alexander for dead. After the beating, Mr. Alexander stumbled to the steps outside of a nearby apartment building, where he collapsed. Without his

cell phone, money, or car, he have could not call for help or get out of the cold to safety. Mr. Alexander's body was found on the frozen ground outside of that apartment building at approximately 7:00 a.m. the following morning.

Though the defendant was only eighteen years old when he committed this offense and has no prior adult convictions, he has an extensive juvenile history, including adjudications for theft, conspiracy to commit robbery, possession with the intent to distribute marijuana, threats, and possession of drug paraphernalia. (See PSR pp. 5-6.) On December 11, 2009, less than two months before the homicide, the defendant's probation was terminated unsuccessfully. (See PSR p. 5.)

The defendant is a member of "LTC," which stands for "Langston Terrace Crew," a crew in the Langston Terrace neighborhood, where the homicide occurred. The defendant and other members of this crew have "LTC" tattooed on their hands. During the course of this investigation the government learned by speaking with residents in the Langston Terrace neighborhood that the members of "LTC" and "LT3" are known to hang out late at night in the courtyard where Mr. Alexander's beating and robbery took place selling drugs and robbing people.¹ The defendant admitted to detectives during the course of this investigation that he had sold crack cocaine in Langston Terrace and had sold crack cocaine to Mr. Alexander. During the execution of a search warrant at the defendant's home, the police found in the house drug paraphernalia consistent with that used for distributing crack cocaine.

The defendant also reported that he has used marijuana since the age of twelve, alcohol

¹ "LT3" or "Langston Terrace 23rd," the crew to which co-defendant Anthony Clark belongs, is a sister crew to "LTC." According to residents, members of the two crews are known to hang out together in the same area and engage in the same criminal activity.

since the age of thirteen, ecstasy since the age of fifteen and daily since sixteen, and PCP since the age of sixteen. (See PSR p. 11.) He reported that he smoked PCP the night before the homicide, and he tested positive for PCP at lock up on February 17, 2010. (See PSR p. 11.) Further, the defendant was expelled from middle school for bringing a knife to school. (See PSR p. 10.) And, during his current incarceration, he has been disciplined for fighting and disrespect to a staff member. At the time the Pre-Sentence Report ("PSR") was submitted, the defendant was on lock-down. (See PSR p. 8.)

In May of 2011, the defendant pled guilty to voluntary manslaughter and robbery, admitting responsibility for his role in Mr. Alexander's death. However, the defendant spent many months attempting to evade responsibility. Beginning shortly after his arrest in February of 2010 and during the following months, the defendant and his mother obstructed the court proceedings and grand jury process by attempting to create a false alibi for the defendant. During the conspiracy, the defendant and his mother provided false information to the Court through a motion to reopen the detention hearing, co-defendant Sonja Johnson also testified falsely in the grand jury in an attempt to provide a false alibi for the defendant, and they attempted to convince other witnesses to falsely alibi the defendant in the grand jury.

As evidenced by his attitude during the pre-sentence investigation, the defendant continues to act in a way that shows no consideration for others. (See PSR p. 13.) The defendant has not shown remorse for his actions or sympathy for the victim (see PSR p. 8) and "[h]e fails to display any level of restraint or consideration for the Court, the law or the well being of others. He wreaks havoc and invokes fear in the community and his antiauthority behavior conveys that he is an extremely high risk to the community." (PSR p. 13.)

Conclusion

In light of the seriousness of the offenses in this case, the defendant's extensive criminal history, and the defendant's lack of remorse and his continued disrespect for others, the government believes that the defendant continues to pose a significant threat to the community and respectfully requests that the Court sentence the defendant to one-hundred-thirty-two (132) months of incarceration and respectfully requests that the Court not grant the defendant the benefits of a Youth Rehabilitation Act sentence.

Respectfully submitted,

RONALD C. MACHEN JR.
UNITED STATES ATTORNEY

by:



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CERTIFICATE OF SERVICE

I, Erin O. Lyons, an Assistant U.S. Attorney, hereby certify that the foregoing was served on counsel for the defendant, Michael O'Keefe, Esquire by e-mail to okeef@aol.com on July 6, 2011



Erin O. Lyons

EXHIBIT A

VICTIM IMPACT STATEMENT

Please complete the following:

Your Name:

CASSANDRA ALEXANDER

Your Loved One's
Name:

CARLOS ALEXANDER

Relationship
to the decedent:

SISTER _____

Defendant's Name:

① DAQUAN JOHNSON AND
② SONJA JOHNSON

Case #:

2010CF1002927 & 2010CF1024267

Sentencing Date:

7/8/11 @ 9:30 A.M.

To the Honorable

GEORGE FISHER (Judge's Name)

If you do not wish to make a statement regarding this offense, please indicate this here and send us this page.

SIGNATURE

Date _____

(You can use this form as a guide or write your statement in letter form to the Judge. Please include the identifying information listed above. Consider the following):

How has the loss of your loved one affected you and those close to you? (e.g. feelings of anger, rage, blaming self, family for murder, helplessness, vulnerability, fear, paranoia, hopelessness, frustrated, loss of trust and faith in the world).

Dear Judge Fisher

My Name is Cassandra Alexander
Carlos Bernard Alexander was my
only Brother My Mother
Laura S Alexander had three 3
Children the Name's are
Carlos Bernard Alexander and
Mafine Alexander and Myself Cassandra
Alexander My Brother Carlos Bernard Alexander
Was the only Boy in our Family
But Carlos Bernard Alexander has one so
his Name is LeAndre Sharpe
his Father Carlos Bernard Alexander was
Born in Washington DC. on July 4, 1962
When the Sunset on February 3, 2010
Carlos Bernard Alexander pass over
his Mother Laura S Alexander never
got pass his death She pass over short
After Carlos Bernard Alexander pass over
She had a Heartattack so she lost two
loved ones at one time
But Judge Fisher my life still
go on taking it one day at a time
It's OKay.

Thank you for reading this
Letter. Cassandra Alexander

[Redacted signature line]

EXPRESSION OF THANKS

The family deeply appreciates all the expressions of support and prayers during this time. Your calls, cards, visit, and prayers have been comforting and we have felt your love. More importantly, we are thankful to God Almighty for allowing us to be cared by such wonderful family and friends.

Rhine Funeral Home

3005 12th Street, NE Washington, DC



Repat immediately following the service at
1359 Downing Street, NE,
Washington, DC

ing Service

for

ard" Alexander



Sunset

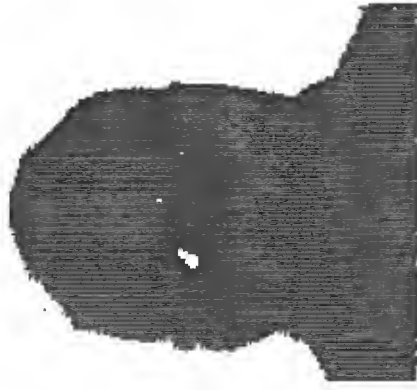
February 3, 2010

February 25, 2010

11:00 PM—Viewing

2:00—Service

Minster Lawrence Barbour, Pastor
Expectation Bible Baptist Church



Carlos Bernard Alexander, known as Bernard, was born to Laura Alexander and Linwood Lee on July 4, 1962 at Columbia Hospital in Washington, DC. He was the only child of this union.

Bernard was educated in the DC Public School. He was known early in his life as a worker. As a teenager he had obtain a job delivering papers, and later went to work for a record store in the area.

His leaves to cherish in his memory his son LeAndre Sharpe. His companion Darlene Young. His parents Laura Alexander and Linwood Lee, two sisters Maxine and Cassandra, two nieces Tarkeyshia Brown and Lucy Alexander one nephew James "Juice" Davis, three great nieces and two great nephews and a host of cousin and friends.

Greatness of God

Our Lord Jesus Christ has put Bernard in the Garden
of Eden,

So he can build on the watery Winds of God, and
Bernard said, "I will build me a nest in the greatness
of God,

I will fly in the greatness of God,

Then Bernard went on to say;

I'll be around freed of Love,

I'll be touching the hand of God

And breathing some new air our God.

In the midst of all this,

I'll be waking up in the glory hands of our Lord Jesus
Christ."

As Bernard goes on to say, "Le' Andre, Maxine,
Sandra, Montany and family and friends, don't worry,
don't worry, I'm in a better place now in the greatness
of God, don't worry don't worry. We will meet again
in upon the gates of heaven."

Amen

Love,

Linda and Donald

Order of Service

Our Brother

By Maxine Alexander

We are family

We are friends

You are our brother till the end

But the end came too soon.

We had our bouts

We never fought

But being our brother was never a doubt

We had different fathers but we had the same mother

But still no doubt you are our brother and our friend.

Friends knew you in their own way

Friends knew you by the name they say "Bernard"

They miss you

We miss you

You left behind a mourning family

You are with the Father now

*But that will never stop you from being
our brother.*

Opening Prayer

Solo

Old Testament

New Testament

Our Brother

(Poem written by Maxine Alexander)

Obituary Reading

Eulogy

Closing Prayer